DOCUMENT RESUME

ED 452 468 CG 030 889

TITLE	Want To Resolve a Dispute? Try Mediation. Youth in Action. Bulletin Number 15.
INSTITUTION	Department of Justice, Washington, DC. Office of Juvenile Justice and Delinquency Prevention.
REPORT NO	NCJ-178999
PUB DATE	2000-03-00
NOTE	9p.
PUB TYPE	Reports - Descriptive (141)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	Community Programs; *Conflict Resolution; Elementary Secondary Education; *Interpersonal Communication; *Peer Mediation; *Problem Solving; Program Development; Violence

ABSTRACT

Disagreements often lead to confrontations that contribute more to an escalation of a conflict rather than to its resolution. This bulletin shows how to start and carry out a community mediation program that helps prevent violence. Mediation can reduce violence in neighborhoods and schools. Peer mediation is a way of handling conflicts and preventing violence in middle and high schools. Six planning steps aid in the success of a mediation program. The steps include the following: (1) identify the types of conflict to be addressed; (2) decide when to use mediation; (3) recruit mediators; (4) train mediators; (5) identify disputants; and (6) select a neutral location for mediation hearings. Suggestions are given on how to keep a mediation program going, such as including an evaluation plan to ensure success. (JDM)

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ED 452 468

NATIONAL YOUTH NETWORK

Youth in action

March 2000 NUMBER 15

OJJDP

BULLETIN

CG030889

Want To Resolve a Dispute? Try Mediation

What Is Mediation?

In a process called mediation, a person trained as a mediator helps two (or more) people resolve a conflict or disagreement. The conflict being resolved might be as simple as who should pay for a damaged locker. Or it might be as complex as which parent should receive custody of a child in the case of a divorce. In either situation, mediation involves solving the dispute through peaceful means. The mediator, however, does not simply listen to the conflict and draw up the terms of a solution; the people with the conflict (the participants or disputants) do that. In addition, it is the participants, not the mediator, who enforce the agreed-upon solution.

The mediator plays a special role. He or she doesn't decide what is right or wrong or find people guilty or innocent, as a judge would in a courtroom. Instead, the mediator tries to help the disputants find and agree upon a peaceful way to resolve their conflict.

How Does Mediation Prevent or Reduce Crime?

As you know, conflict is an unavoidable part of life. Passengers in a car might disagree about a wrong turn on a road trip. A person may play music more loudly than others would like. Friends may argue over who is to blame for a broken possession. These are all types of conflict.

Conflicts are not always minor and harmless. Assaults or threatened assaults often happen between people who know each other and, in many of these cases, start off with small arguments or disagreements. The mediation process provides a way for these people to resolve their disagreements before either party resorts to violence. It also helps people reach agreements without feeling they have had to "give in." In this way, both sides in mediation come out winners!

from the administrator

Disagreements often lead to confrontation, which contributes more to the escalation of conflict than to its resolution. Nor can we walk away from our problems, which also leaves them unresolved. Through mediation, parties to a dispute are empowered to craft solutions that meet the needs of all concerned. This Bulletin shows how you can start and carry out a mediation program in your community that will help prevent violence.

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Mediation has helped to reduce violence in neighborhoods and in schools. Using peers as mediators—a process known as "peer mediation"—is a popular way of handling conflicts and preventing violence in middle schools and high schools. Schools using this process recruit and train students interested in being peer mediators. Guidance counselors or other trained professionals teach the young mediators how to listen to both sides of an argument, offer unbiased impressions, and help students in conflict find a workable solution to their problem. For example, the Peer Mediation in Schools Program, developed by the New Mexico Center for Dispute Resolution, trains school staff and students in peer mediation. This program uses selected students as peer mediators and includes:

- Curriculum focused on conflict resolution.
- Staff orientation designed to help teachers exhibit the communication skills they are trying to instill in their students.

Peer mediators help the disputants rechannel anger and reach peaceful agreements. When a disagreement or conflict arises, a teacher, an administrator, a concerned student, or the fighting students themselves can refer the issue to peer mediation. A peer mediator is quickly assigned, and the mediation process begins, resolving the issue and preventing further discord. Playground mediators in elementary schools similarly help prevent fights and resolve disagreements between much younger students.

Warning

If you are planning a mediation program, be sure to work closely with your local community mediation program, police department, sheriff's office, or school administration. Some disputes are too complex or potentially violent to be solved by peer mediation alone.

Mediation programs run for and by youth have enjoyed great success across the Nation. Students in Buncombe County, NC, for example, have conducted more than 1,100 mediation hearings at middle schools and high schools. The disputes were handled by more than 330 student mediators, all of whom received training and technical assistance from the Mediation Center of Asheville, NC. According to Buncombe County school officials, the mediation sessions were a huge success. They eliminated 742 days of in-school suspension and 1,220 days of out-of-school suspension. The school system also reported reduced violence in the schools as a result of the mediation program.

What Does It Take To Start a Mediation Program?

Any effective crime prevention program requires careful planning. To make your mediation program a success, follow these six critical planning steps.

Step 1: Identify the Types of Conflict To Address

When planning your mediation program, first identify the types of conflict you want to help solve. Are there particular places, organizations, or programs in your community where people need extra help resolving disputes or frequently experience conflict? What kinds of disputes tend to arise? Family problems? Conflicts involving school rules or policies? Fights over possessions? Arguments between students of different races or ethnic groups? After examining the types of conflict in your school and community, determine which ones can be subject to mediation. Check to see if there is a community mediation center in your area, and ask the center's staff what they have learned about community conflict.

Step 2: Decide When To Use Mediation

After taking a good look at the types of problems that exist in your school, community, facility, or organization and determining which type of problem or conflict your program will address, decide when mediation should be used. Talk to your school administrators, teachers, peers, and adults about how mediation might help in your school or community. Should it be used only on an emergency basis or only when the possibility of violence exists? Who should refer disputes? How quickly after a referral will mediation take place?

Step 3: Recruit Mediators

Your next important planning activity is to recruit potential mediators. They could be just a few family members or friends or an entire group. Whatever the case, identify and recruit people who have the time and desire to complete all necessary training. Volunteers need to understand that they will be helpers, not judges. They will not determine guilt or innocence or impose punishments. Rather, they will help disputants find the best possible solution to their particular conflict. Mediators do not impose their ideas on the people in disagreement. They help others decide on solutions that are best for them.

Step 4: Train Mediators

Training mediators is the single most important step when planning a mediation program. To mediate effectively, a person must be a good listener, one who will not take sides in a dispute. A mediator must also be able to help disputants come up with several different ways to resolve their conflict. He or she must understand how to guide the mediation process and keep disputants focused. Although disputants may want to concentrate only on their differences of opinion, they must be kept moving toward their goal—an agreed-upon solution to their problem.

Adult mediators may volunteer to help youth start mediation programs. Sometimes courts or bar associations will supply names of local mediators who can donate time or services. (See the "Resources" section at the end of this Bulletin for names of organizations that can help.) Some communities have community mediation centers that provide training; some have school mediation projects that have many services. Local law schools may also be able to provide training or volunteers.

It is hard to estimate how much time is needed to train your mediators. Training youth mediators can take anywhere from 20 to 60 hours. The number of hours needed depends on how old the disputants and mediators are, how complex the conflicts are likely to be, and how experienced your mediators are. Whatever the age and experience of your mediators may be, everyone can learn the basic principles.

Be sure each specific part of the training is well planned. Such planning will help ensure the success of your effort. Professional trainers know that preparation and organization are critical steps for good training.

Step 5: Identify Disputants

You begin by identifying people who need help to settle conflicts or arguments peacefully. Finding parties with conflicts appropriate for your mediation program requires support from school officials, community leaders, or other adults. Those individuals can help refer disputes to your program. They can also help you to explain the value of mediation to disputants and determine the kinds of disagreements your program will handle.

Step 6: Select a Neutral Location for Mediation Hearings

When planning your mediation program or seeking a place to resolve any kind of disagreement, it

is important to choose a neutral location. If your program focuses on disputes between students and school administrators, you won't want to meet in the principal's conference room. If you're trying to settle an argument between members of rival sports teams, you similarly won't want to meet on one team's playing field. The place selected should not be associated with any single group, clique, gang, or attitude. A guidance counselor, school administrator, neighborhood leader, or youth group officer can help you think of possible places and find out if they're available.

Make sure that the location you choose allows everyone involved in the mediation to feel physically comfortable.

- Are there windows?
- Is the lighting sufficient?
- Can the temperature be adjusted?
- Is the room large enough to seat at least three people?
- Is there a large table, or would disagreeing parties have to sit side by side?
- Is there enough room for the mediator and the participants to get up and walk around?
- Is there a private room or space nearby if a disputant needs to make a phone call or be alone for a period of time?
- Is the location easily accessible to your mediators and likely disputants?

Answering the questions above and selecting a neutral location are necessary to ensure that your mediation sessions are as unbiased and confidential as possible.

What Does It Take To Keep a Mediation Program Going?

Recruit New Mediators

One of the biggest challenges to any crime prevention program operated by youth is a high turnover rate among volunteers. Peer mediation programs are no different. Your mediation program will eventually lose its mediators as these trained volunteers graduate from high school, get paying jobs, move on to college (perhaps out of the area), or simply get too "old" to be youth mediators. They may remain an asset to your program by training new mediators or continuing to volunteer their time, but they will no longer be peers of your community's youth. Thus, it is vital to keep recruiting and training new mediators to continue and expand your program.

As you recruit mediators, explain to them what it means personally to be a mediator. Resolving disputes fairly requires putting aside one's own judgments and feelings about an issue, facilitating discussion and factfinding, being positive, listening carefully, and offering encouragement.

Provide Ongoing Training

In addition to training new mediators, it's important to provide refresher and skills improvement training to current mediators. Mediators should have opportunities to share their abilities and experiences and learn from one another. This is a good way for mediators to develop new skills.

Demonstrate and Share Your Program's Success

It's important to be able to demonstrate your program's success. Positive information about the results and effects of your program is critical to proving that the program has had an impact and deserves continued (or increased) support. Publicizing positive results will also help you recruit new mediators and disputants and attract additional resources to improve and expand your program.

Recognition by the community is also vital. Mediators and other volunteers need to know that their efforts are appreciated and valued, not just by the program, but by the community as a whole. Placing an article in a school or community newspaper,

posting thank-you letters from disputants, and scheduling public celebrations are good ways to recognize volunteers. Providing T-shirts, hats, or other such "uniforms" with your program's logo or motto printed on them can also help build a strong group identity and a sense of teamwork.

What Are Some of the Challenges You Will Face?

For conflict mediation to be successful, both parties must want to settle their disagreement before it develops into a larger one. This means that disputants may have to compromise or set aside some of their personal interests. One of the mediator's biggest challenges, therefore, is to separate the disputants' real interests from their stated positions. While a person may claim to want what's best for his or her school, his or her judgment may be clouded by other factors, such as ego, reputation among peers, or potential financial benefits.

Mediators must also work hard to avoid getting sidetracked. The positions of the disputants should not get in the way of developing a reasonable solution. If disputants are not encouraged to reveal and discuss their real interests, any agreement they reach will be built on shaky ground.

What Are Some of the Rewards?

Successful mediation brings a great sense of accomplishment to both the disputants and the mediator. Two parties who were previously close to fighting now agree on a nonviolent way to settle their problems. Even an ultimately unsuccessful mediation may create some sense of accomplishment if the process allowed participants to better understand one another's perspective and what is really important to them. Mediating conflicts makes your school, neighborhood, and community less violent while helping people take responsibility for their actions.

Mediation will also make the people involved with the process—mediators, other volunteers, disputants—better able to resolve conflicts in their lives peacefully. Conflicts arise every day at school, in the workplace, in the community, and at home. Seeing another person as a disputant in a mediation and considering his or her interests and needs makes it easier to see that person as another human being with perceptions that may differ from yours. With that understanding, it's easier for people to find common ground.

How Can You Evaluate Your Program?

Evaluating your mediation program can help you learn whether it has met its goals, but only if you decide up front what you want to evaluate and how you'll go about doing so. The purpose of conducting an evaluation is "to answer practical questions of decision-makers and program implementors who want to know whether to continue a program, extend it to other sites, modify it, or close it down."[1]

There are many different aspects of mediation that you can examine and evaluate. Keep track of how many mediators have been trained and how many hours of service they contribute each year. Also keep records of how many disputes they have mediated and whether those disputes ended with a signed agreement.

When evaluating your program, also examine the quality of every mediation session. Always ask for and secure feedback at the end of the session to find out what can be done to improve the process.

- ◇ Were participants satisfied with the outcome? Why or why not?

[1] National Crime Prevention Council, *What, me evaluate?* Washington, DC: National Crime Prevention Council, 1986.

Sample Mediation Session

Step 1: Introduction

The mediator's first job is to make the parties feel at ease and explain the ground rules. The mediator's role is not to make a decision but to help the parties reach agreement. The mediator explains that he or she will not take sides.

Step 2: Telling the Story

Each party tells what happened. One person tells his or her side of the story first. No interruptions are allowed. The other party then explains his or her version of the facts. Again, no interruptions are allowed. Any of the participants, including the mediator, may take notes during the process. The mediator's notes are thrown away at the end of the session to ensure confidentiality.

Step 3: Identifying Facts, Issues, and Interests

The mediator next attempts to identify any agreed-upon facts and issues and the issues that are important to each person. The mediator listens to each side, summarizes each party's view, and checks to make sure each party understands the other's view.

Step 4: Identifying Alternative Solutions

During this step, the participants (with help from the mediator) think of all possible solutions to their problem. Because the opposing sides to the dispute probably arrived at the mediation session with a desired outcome in mind, it is often difficult for them to consider other solutions. The mediator makes a list of solutions and asks each party to explain his or her feelings about each one.

Step 5: Revising and Discussing Solutions

On the basis of feelings expressed by each party, the mediator revises the list of possible solutions and tries to identify a solution that both parties may be able to agree on.

Step 6: Reaching an Agreement

The mediator helps the parties to reach an agreement by choosing a solution that has been discussed and that both parties agree on. After the parties have decided on a solution, an agreement should be put in writing. The written agreement should be as specific as possible, stating exactly what each party has agreed to do and when he or she will do it. The agreement should also explain what will happen if either disputant breaks the agreement. Some agreements require parties to appear for additional mediation; others call for the payment of money or the performance of services when an agreement is broken. In most instances, the parties themselves are responsible for enforcing the contract by bringing examples of breached agreements to the attention of the mediation program. Once it is finalized, the agreement, which usually takes the form of a contract, is signed by both parties.

- What did they learn?
- What was helpful?
- Did the mediator succeed in helping the parties find an acceptable solution? If so, how? If not, why not?
- What were the mediator's strengths and weaknesses?
- Would the disputants participate in mediation again? Why or why not?

Lasting agreements are signs of success. Arrange to contact disputants 2 weeks or a month after they have signed an agreement. Ask them whether the conflict remains solved. Survey participants in past mediations as well.

When evaluating your program, also consider its effect on your community as a whole. Are there fewer fights in schools since your program started? Have disturbance complaints with your police department or sheriff's office dropped? Are assault charges down? Do people in your school or neighborhood feel there has been less fighting in the hallways or in public places?

In evaluating your mediation program, also consider whether and how well it meets the following more general crime prevention goals:

- Reduces crime.
- Reduces fear of crime.
- Is cost effective.
- Has a lasting impact.
- Attracts support and resources.
- Makes people feel safe and better about being in your school or community.

Be sure to include an evaluation step in your overall plan. Learning to evaluate the things you do is a good skill, one you can apply to all aspects of your life. Ask yourself how you can better reach your goals, involve more people, and spread your message to a wider audience. Then, adjust your activities to strengthen your project.

Developing, carrying out, and evaluating a mediation project can help youth, children, and adults in your community. Good luck with mediation and—Resolve some conflicts!

Resources

For more information, contact one of the following organizations or visit the U.S. Department of Justice Kids Page Web site at www.usdoj.gov/kidspage. This site includes information for kids, youth, parents, and teachers.

American Arbitration Association
212–484–4000
Internet: www.adr.org

American Bar Association
Standing Committee on Dispute Resolution
202–662–1000
Internet: www.abanet.org

Juvenile Justice Clearinghouse
800–638–8736
Internet: www.ojjdp.ncjrs.org

National Association for Community Mediation
202–667–9700
Internet: www.nafcm.org

National Center for Conflict Resolution Education
800–308–9419
Internet: www.nccre.org

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Office of Justice Programs
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Washington, DC 20531

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Youth in Action Bulletin **NCJ 178999**

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202–466–6272

Internet: www.ncpc.org

Society of Professionals in Dispute Resolution

202–667–9700

Internet: www.spidr.org

This Bulletin was produced by the National Crime Prevention Council as part of the National Citizens' Crime Prevention Campaign under a cooperative agreement with the Bureau of Justice Assistance (BJA), Office of Justice Programs, U.S. Department of Justice. The National Crime Prevention Council is a nonprofit organization that conducts demonstration and youth-based programs, produces publications and training materials on a variety of subjects, and manages the day-to-day activities of the National Citizens' Crime Prevention Campaign.

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The National Youth Network, founded and managed by the Office of Juvenile Justice and Delinquency Prevention, consists of diverse youth leaders from across the Nation who are sponsored by youth-serving organizations. The goal of the Network is to recognize and build upon the power and importance of youth leadership by uniting young people and adults, through communication and action, to enable youth organizations and nonaffiliated youth to have a positive, formidable impact in our communities and throughout our Nation.

The Office of Juvenile Justice and Delinquency Prevention is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime.